

JAN 08 2007

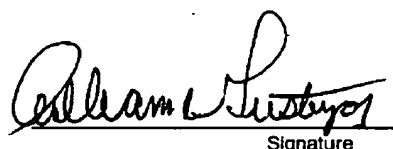
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 101769-234 / tesa AG 1615.1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 8, 2007</u> Signature <u>Jennifer Archer</u> Typed or printed name <u>Jennifer Archer</u>		Application Number <u>10/687,494</u>	Filed <u>October 16, 2003</u>
		First Named Inventor <u>Marc HUSEMANN ET AL</u>	
		Art Unit <u>1713</u>	Examiner <u>Bernard Lipman</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>27,552</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;">  Signature <u>WILLIAM C. GERSTENZANG</u> Typed or printed name <u>(212) 808-0700</u> Telephone number <u>January 8, 2007</u> Date </div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Appl. No. 10/687,494
Art Unit 1713
Examiner Bernard Lipman

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Appellants' claims have been specifically limited to injection moulded, compression moulded, blow moulded and retro moulded products which have adhesive properties (see Claim 1, as amended 2/15/06).

The Evaraerts et al reference (WO 00/39233) is concerned with placing an adhesive between a substrate and a surface capable of releasing the adhesive, and compressing the composite to form an adhesive coating of a desired thickness on the substrate (see page 24, line 28 - page 25, line 3 of the Evaraerts et al reference (WO 00/39233)). This is not an injection moulded, compression moulded, blow moulded or retro moulded product, and Evaraerts neither teaches nor suggests the changes that would have to be made to arrive at same.

The Remmers reference (US 6,430,898) concerns the pouring of a molten adhesive into a releasable coated mold, cooling the product, and removing the thus-formed brick from the mold. This also is not an injection moulded, compression moulded, blow moulded or retro moulded product; and nothing in this reference would suggest the same.

Those skilled in the art understand that, because of the nature of injection molding, compression molding, blow molding and retro molding, the resulting products can have specific shapes not obtainable by simple compression between two substrates

Appl. No. 10/687,494
Art Unit 1713
Examiner Bernard Lipman

(as in Everaerts) or simply pouring into an open mold (as in Remmers). Injection molding, for example, generally involves a mold cavity having specific contours, shapes, indentations, projections, etc. into which the substance to be molded is injected, usually under elevated temperature and pressure, and then cured to form a very specific shape. Those skilled in the art understand that such products are distinctly different than those of Everaerts and Remmers because the resulting shaped features cannot be produced by Everaerts or Remmers.

Therefore, Appellants claims cannot fairly be seen as anticipated or suggested by any combination of Everaerts and Remmers, and the rejection of claims 1-5, 7 and 8 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Everaerts et al, WO 00/39233 and in view of Remmers et al, U.S. 6,430,898 should be REVERSED.

Appl. No. 10/687,494
Art Unit 1713
Examiner Bernard Lipman

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By 
William C. Gerstenzang
Reg. No. 27,552

WCG/tmo

875 Third Avenue - 18th Floor
New York, New York 10022
(212) 808-0700

I hereby certify that this correspondence is being transmitted via facsimile, no (571) 273-8300 to the United States Patent and Trademark Office, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 8, 2007.

By _____
Jennifer Archer

Date January 8, 2007